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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/813,143	03/30/2004	Larry R. Tate	42P15169	5433
8791	7590	03/26/2008	EXAMINER	
BLAKELY SOKOLOFF TAYLOR & ZAFMAN 1279 OAKMEAD PARKWAY SUNNYVALE, CA 94085-4040			BOCURE, TESFALDET	
		ART UNIT	PAPER NUMBER	
		2611		
		MAIL DATE		DELIVERY MODE
		03/26/2008		PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/813,143	TATE, LARRY R.	
	Examiner	Art Unit	
	Tesfaldet Bocure	2611	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 26 December 2007.

2a) This action is **FINAL**. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-13 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1,2 and 5-13 is/are rejected.

7) Claim(s) 3 and 4 is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.

4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.

5) Notice of Informal Patent Application

6) Other: _____.

DETAILED ACTION

1. this office action is in response to restriction requirement mailed on 11/26/07.

Claim 14-26 have been withdrawn and claims 1-13 are pending in this Application.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1,2 and 5-13 are rejected under 35 U.S.C. 102(e) as being anticipated by Simon et al., Simon hereinafter (US patent number 7,075,996).

Simon teaches a communication system (see figures 6,7A and 9A) having a transmitter for transmitting an encoded signal comprising:
defining a phase modulation component (PMC) of a modulation symbol as an integer

multiple of fundamental time units (FTU's) (see 640 in fig. 6 and phase modulators in figures 7A and 9A);

defining a set of modulation symbols in which a PMC in one symbol may overlap a position of a PMC in another symbol (see figures 6,7A and 9A); and

Encoding data as at least one symbol of the set (see out from the figs 6,7A and 9A) as in claim 1.

Further to claims 2-8, Simon also teaches that:

The PMC is defined as a rise time at the transmitter for a single amplitude transition plus a time spacer during which no transition is permitted (see figures 4, and 8A-8E) as in claim 2;

The encoding comprises amplitude modulating at least one bit in the symbol (see element 620 in figure 6 and amplitude modulators in figures 7A and 9A) as in claim 5;

The encoding comprises rise time modulating at least one bit (see fig. 4 and 8A-8E) as in claim 6;

Defining a plurality of modulation symbols comprises populating a symbol period of S FTUs with modulation objects (T) having a width of N FTUs; where S and N are integers (see fig. 4 and 8A-8E) as in claim 7;

Defining a plurality of modulation symbols comprises defining a maximum number of amplitude transitions per state (see fig. 4 and 8A-8E) as in claim 8..

Further to claims 9-13 Simon also teaches that the apparatus comprising: Mapping logic to generate a plurality of control signals to control edge transitions in a

modulation symbol (608 in fig. 6) and a plurality of delay elements coupled to a clock to ensure transition in the modulation symbol occur at integer multiples of a fundamental time unit (FTU) (722-728 in fig. 7A) as in claim 9;

Wherein the modulation symbol has phase modulation features and amplitude modulation features (see phase and amplitude modulators in figures 6,7A and 9A) as in claim 10;

Wherein the modulation symbol has phase modulation features and rise time modulation features (see phase modulators in figs 6,7A and 9A) as in claim 11;

Wherein modulation objects are integer multiples of the FTU (see figures 4 and 8A-8E) as in claim 12; and .

Wherein a modulation object is defined by a rise time plus a maximum spacer before another transition is permitted (see spacing before and after rising edges) as in claim 13.

Allowable Subject Matter

4. Claims 3 and 4 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. US patent publication number 2005/006885 issued to Becker et

al. disclose an encoder for encoding the data to be transmitted according to variable rinsing edge and phase modulation.

6.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tesfaldet Bocure whose telephone number is (571) 272-3015. The examiner can normally be reached on Mon-Thur (8:00a-5:30p) & Mon.-Fri (8:00a-5:30p).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mohammed H. Ghayour can be reached on (571) 272-3021. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Tesfaldet Bocure/
Primary Examiner, Art Unit 2611

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/T. B./
Primary Examiner, Art Unit 2611